

REMARKS

In response to the Office Action dated April 7, 2004, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

The drawings were objected to. Submitted herewith is a replacement set of drawings including revisions to overcome the objections.

Claims 1-3, 5, 8, 17-25 and 28-38 were rejected under 35 U.S.C. § 102(c) as being anticipated by Gutowski. Claim 1 has been amended to include the features of canceled claim 6. Claim 6 was rejected under 35 U.S.C. § 103 as being unpatentable over Gutowski in view of Hill. Thus, Applicants remarks with respect to claim 1 will be directed to Gutowski in view of Hill.

Claim 1 is patentable over Gutowski in view of Hill. Claim 1 recites, *inter alia*, "a clock to output a time indicator indicating a time of receiving the carrier signal." As described in Applicants' specification, the time identifier is stored in the data records of the database so that data from separate drive tests can be aggregated and, if necessary, normalized (e.g., adjusted for varying transmitter strengths). Hill teaches using timing information from a GPS satellite receiver to provide robust two-way communication system (column 2, lines 35-38). Gutowski, however, is directed to measuring system which serves as a one-way receiver. As described in paragraph [0028] of Gutowski, the system includes a scanning receiver, a GPA and a laptop. There is no need to enhance two-way communication in Gutowski because Gutowski is directed to one-way communication. Thus, the timing information from Hill used to enhance two-way communication would not be needed in Gutowski.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01. There is no teaching in the cited art to combine the references in an attempt to produce the claimed invention. Nor would such a combination have

occurred to a person having ordinary skill in the art at the time the invention was made. There simply is no need in the system of Gutowski for enhanced two-way communication as Gutowski is directed to one-way reception of information for test purposes.

For the above reasons, claim 1 is patentable over Gutowski in view of Hill. Claims 2-3, 5 and 7-8 depend from claim 1 and are patentable over Gutowski in view of Hill for at least the reasons advanced with respect to claim 1. Claims 17-25 and 28-38 include features similar to those discussed above with reference to claim 1 and are patentable over Gutowski in view of Hill for at least the reasons advanced with respect to claim 1.

Claims 4 and 27 were rejected under 35 U.S.C. § 103 as being unpatentable over Gutowski. Claim 4 depends from claim 1 and claim 27 depends from claim 17 and thus are patentable for at least the reasons advanced above with respect to claim 1 and 17.

Claims 9-13 and 15-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Gutowski in view of Arpce. Arpce was relied upon for disclosing a test drive that determines propagation characteristics for a plurality of cell sites. Arpce, however, does not cure the deficiencies of Gutowski and Hill discussed above. Claims 9-13 and 15-16 include features similar to those discussed above with reference to claim 1 and are patentable over Gutowski in view of Arpce for at least the reasons advanced with respect to claim 1.

Claim 14 was rejected under 35 U.S.C. § 103 as being unpatentable over Gutowski in view of Arpce and Munday. Claim 14 is dependent on claim 9. Munday was relied upon for disclosing short message service but does not cure the deficiencies of Gutowski and Hill discussed above. Thus, claim 14 is patentable over Gutowski in view of Arpce and Munday for at least the reasons advanced with respect to claim 9.

Claim 26 was rejected under 35 U.S.C. § 103 as being unpatentable over Gutowski in view of Munday. Claim 26 is dependent on claim 17. Munday was relied upon for disclosing short message service but does not cure the deficiencies of Gutowski and Hill discussed above. Thus, claim 26 is patentable over Gutowski in view of Munday for at least the reasons advanced with respect to claim 17.

In view of the foregoing amendment and remarks, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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